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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/613,170	07/10/2000	Tetsufumi Ueda	UM-04496 9234	
7590 10/08/2004 MEDLEN & CARROLL LLP 101 HOWARD ST. SUITE 350 SAN FRANCISCO, CA 94105			EXAMINER	
			GUPTA, ANISH	
			ART UNIT	PAPER NUMBER
			1654	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edefancians or time may be available under the procession of 3 CFR 1.138(d), in no event, however, may a reply be limely filed to the communication.  If the princip for reply reported to the princip of the communication of 10 CFR 1.138(d), in no event, however, may a reply be limely filed to the princip of the p		Application No.	Applicant(s)					
Anish Gupta	Office Action Summers	09/613,170	UEDA ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extensions from many be available used the provisions of 3 CTR 1.136(c). In secreti, inverser, may a reply be timely filled  If the period for reply specified above is less than thirty (30) days, an apply which the solidation reply and the large state of the communication of thirty (30) days, and place of the communication of thirty (30) days, and specified above is less than thirty (30) days, an apply which the section of the period for reply specified above is less than thirty (30) days, an apply which the section of the period for reply specified above is less than thirty (30) days, an apply which the section of the period for reply specified above is less than thirty (30) days, an apply which the section of the period for reply specified above is less than thirty (30) days, an apply the timely filled. The period for reply specified above is reply specified above. The section of the communication to the period of the communication to the period of the communication to the period of the communication to the communication.  Part of the section is FINAL.  1) Responsive to communication(s) filled on 2) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-32 is/are pending in the application.  4) Claim(s) 1-32 is/are pending in the application.  5) Claim(s) 1-32 is/are allowed.  6) Claim(s) 1-32 is/are allowed.  6) Claim(s) 1-32 is/are objected to by the Examiner.  7) Claim(s) 1-32 is/are objected to by the Examiner.  9) The specification is objected to by the Examiner.  10) The drawing(s) filled on 1-15/are; and 1-15/are; and 1-15/are; and 1-15/are; and 1-15/are; and 1-15/a	Onice Action Summary	Examiner	Art Unit					
Period for Reply  A SHOATICNEO STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE # MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  after \$X (6) MONTHS from the mailing date of this communication.  If the period for pely specified above, the mailing date of this communication.  If the period for reply is specified above, the mailing date of this communication.  If the period for reply is specified above, the mailing date of this communication.  If the period for reply specified above, the mailing date of this communication.  If the period for reply specified above, the mailing date of this communication, went of thinty (3) days will be considered timely.  If the period for reply specified above, the mailing date of this communication, went if timely (field, may reduce time).  A period for reply specified above, the mailing date of this communication, even if timely (field, may reduce time).  A period for the specification is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-30 (s/are pending in the application,  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  7) Claim(s) is/are rejected to.  8) Claim(s) 1-30 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The drawing(s) field on is/are: a) cacepted or b) objected to by the Examiner.  Application Papers  9) The drawing(s) field on is/are: a) cacepted or b) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner.  Octavity of the proper								
THE MAILING DATE OF THIS COMMUNICATION.  Ederations of time may be available under the proteins of 3 CPR 1.136(d). In no event, however, may a reply to limity (6) days will be considered interestic (6) MONTPS from the mailing date of this communication.  1 NO period for reply is specified above, the mainima interface price of the pays and will be provided by the Chile date, the maining date of the communication.  1 NO period for reply is specified above, the mainima interface price of the pays and will be pays the MONTPS for the maining date of the communication.  Fallure is reply within the set or adverted paint after the maining date of this communication, even if timely filed, may reduce any variety of the pays and the pays to the maining date of the communication, even if timely filed, may reduce any variety for the pays the	The MAILING DATE of this communication appeared for Reply	ears on the cover sheet with the d	correspondence address					
This action is FINAL.   2b)   This action is non-final.   3)   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	6(a). In no event, however, may a reply be tir within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	mely filed  ys will be considered timely. The mailing date of this communication. ED (35 U.S.C. § 133).					
2a)  This action is FINAL. 2b) This action is non-final.  3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)	Status							
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* See the attached detailed Office action for a list of the certified copies not received.  *Attachment(s)    Outline   Notice of References Cited (PTO-892)   Outline   Notice of Draftsperson's Patent Drawing Review (PTO-948)   Outline   Paper No(s)/Mail Date   Outline   Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   Notice of Informal Patent Application (PTO-152)			ed in this National Stage					
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Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  A) Interview Summary (PTO-413) Paper No(s)/Mail Date  Notice of Informal Patent Application (PTO-152)	* See the attached detailed Office action for a list o	t the certified copies not receive	d.					
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Paper No(s)/Mail Date  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Notice of Informal Patent Application (PTO-152)		4) Intended Comme	(DTO 442)					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Information Disclosure Statement(s) (PTO-152)	2) Notice of References Cited (P10-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)	, — -						
	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) Notice of Informal Pa						

## **DETAILED ACTION**

This application contains claims directed to the following patentably distinct species of the claimed invention:

- a) fragment of Fodrin
- b) fragment of IPF  $\alpha, \beta, \gamma$
- c) fragment comprising EAALTSEEVG
- d) fragment comprising YHRFK

Each fragment is independent and distinct based on structure.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants are requested to elect a single disclosed species corresponding to a specific fragment.

Currently, 15-30 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious

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variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Gupta whose telephone number is (571)272-0965. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell, can normally be reached on (571) 272-0974. The fax phone number of this group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Anish Gupja Patent Examiner